

CASE NO. 83-27

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1983

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SUPREME COURT, U.S.

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AXEL N. ELIASSEN, on behalf of himself  
and all others similarly situated,

Petitioner,

v.

GREEN BAY & WESTERN RAILROAD COMPANY,  
H. WELDON MCGEE, R. B. WILSON, JOHN  
WINCHROP, and CHARLES W. COX, II,

Respondents.

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

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RESPONDENTS' MOTION FOR  
AN AWARD OF DAMAGES  
PURSUANT TO SUPREME COURT RULE 49.2

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Thomas O. Kloehn  
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Counsel for Respondents

Of Counsel:  
Charles A. Grube  
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MOTION

Respondents Green Bay & Western Railroad Company, H. Weldon McGee, R. B. Wilson, John Winthrop, and Charles W. Cox, II, by their attorneys, hereby move this Court for an award of appropriate damages for the reason that the Petition for a Writ of Certiorari filed in this case is frivolous. This Motion is expressly based upon Supreme Court Rule 49.2.

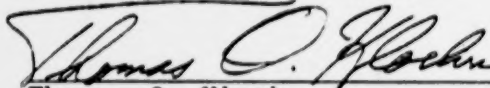
ARGUMENT

Respondents have shown the Court in their brief in opposition to the petition for certiorari why the petitioner's contentions are frivolous. This case does not even colorably fit the requirements of Supreme Court Rule 17 governing review on certiorari, nor does it raise any important question of law or fact.

Respondents have been damaged by being forced to incur attorneys fees and expenses in responding to the petition for certiorari. Respondents, therefore, request this Court to order petitioner to pay respondents the sum of \$5,000.00 as appropriate damages.

Dated this 10th day of August, 1983.

Respectfully submitted,



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